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Attorney for Plaintiffs

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

LORI DEW, G.V., a minor, by and
through his guardian ad litem,
MARYANNE GOULD, W.V., a minor,
B.V., a minor, L.V., a minor, T.C., a
minor, by and through their guardian ad
litem, MARILYN CORPUS, in each case
both individually and as successors-in-
interest to the ESTATE OF BRANDON
VIRTUE, Deceased,

Plaintiffs,

vs.

CITY OF SEASIDE, CHIEF ABDUL
PRIDGEN, MANUEL FERNANDEZ
and DOES 1 THROUGH 100,
INCLUSIVE,

Defendants

Case No.: 4:19-CV-06009 HSG

**ORDER TO EXTEND
TIME LIMIT FOR SERVICE
PURSUANT TO FRCP 4(m)**

ORDER TO EXTEND TIME FOR SERVICE
PURSUANT TO FRCP 4(M)

1 **ORDER TO EXTEND TIME LIMIT FOR SERVICE**

2
3 **PURSUANT TO FRCP 4(m):**

4 Plaintiff filed an ex parte application for an order extending time for an
5 additional 90 days to serve the summons and complaint upon Defendant Manuel
6 Fernandez. Good cause appearing, the court GRANTS an extension of time to
7 serve the summons and complaint on Defendant until March 25, 2019.
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10 **I. Background**

11 Plaintiffs filed the instant action on September 24, 2019. The matter was
12 assigned to this above entitled court on December 11, 2019. The summons was
13 issued on December 13, 2019. On December 19, Plaintiffs made diligent efforts to
14 serve Defendant Fernandez at his last known work address at the Seaside Police
15 Department. The Seaside Police Department declined to provide a forwarding
16 address.
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20 **II. Analysis**

21 Plaintiffs are normally allotted 90 days to serve defendants after a complaint
22 is filed. Fed. R. Civ. Pro. 4(m). However, if a Plaintiff shows good cause for
23 failure to serve within the 90-day period, the court is required to extend time for
24 service. *Id.* Under the same rule, the court has broad discretion to extend time for
25 service in absence of good cause. *Efaw v. Williams*, 473 F.3d 1038, 1041 (9th Cir.
26 2003).
27
28

 ORDER TO EXTEND TIME FOR SERVICE PURSUANT TO FRCP 4(M)

1 On December 19, Plaintiffs made diligent efforts to serve Defendant
2 Fernandez at his last known work address. Plaintiffs were not informed that
3 Defendant Fernandez was no longer working as an officer at the Seaside Police
4 Department prior to service, and the Seaside Police Department declined to
5 provide a forwarding address. Plaintiff contends that Officer Fernandez' address
6 will be provided in initial disclosures, interrogatories, or informal discovery within
7 answers to interrogatories. Plaintiffs further contend that independent investigation
8 will be unsuccessful due to common spelling of Officer Fernandez' name.
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11 Under these circumstances, Plaintiffs have demonstrated good cause to
12 extend time for service. The court will allow an extension to effect service.
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15 **III. Conclusion**

16 For the foregoing reasons, Plaintiffs' motion to extend time for service of the
17 summons and complaint is GRANTED. Plaintiffs may serve Defendant Fernandez
18 with the summons and complaint and file proof of service with the court no later
19 than March 25, 2020.
20

21 **IT IS SO ORDERED**
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23
24 DATED: 12/20/2019

25 
26 Hon. Haywood S. Gilliam, Jr.
27 United States District Judge
28

ORDER TO EXTEND TIME FOR SERVICE
PURSUANT TO FRCP 4(M)